

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (12/04/2012 - 12/07/2012 Session)

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12-0004	<a href="#">Briefs</a>	HABEAS CORPUS: State appeal from grant of habeas relief vacating capital conviction and sentence based on ineffective assistance of counsel.
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11-2183	<a href="#">Briefs</a>	CONSTITUTIONAL LAW: Whether county code regulating "fortune tellers" violated free speech, free exercise of religion, or equal protection rights; other issues.
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11-1688	<a href="#">Briefs</a>	LABOR LAW: Whether substantial evidence supports Board findings that company violated National Labor Relations Act; other issues.
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Pessoa Construction Company v. NLRB		
Associations: 11-1776		
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12-1052	<a href="#">Briefs</a>	CIVIL PROCEDURE: Whether district court abused its discretion in denying appellants' motion to intervene in defense of North Carolina's Woman's Right to Know Act.
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Gretchen Stuart v. Janice Huff		
( Eagles )		

PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

Tuesday, December 04, 2012

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12-1077	<a href="#">Briefs</a>	MEDICARE: Whether decision of Department of Health and Human Services Appeal Board affirming ALJ's decision upholding civil penalties is supported by substantial evidence.
12-1193	<a href="#">Briefs</a>	ARBITRATION LAW: Whether one-year limitation for filing a petition to confirm an arbitration award under the Federal Arbitration Act is mandatory.
12-1252	<a href="#">Briefs</a>	FEDERAL PROCEDURE: Whether class was properly certified on the Maryland meal break claim; whether court has appellate jurisdiction over "federal-enclave" defense.
11-2176	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether the county violated church's rights under the First Amendment, 42 U.S.C. section 1983, the RLUIPA or the Maryland Declaration of Rights.

PANEL II  
Green Courtroom (Room 201)  
9:30 a.m.

Tuesday, December 04, 2012

REVD 12/3/12

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11-4992	<a href="#">Briefs</a>	CRIMINAL: Whether misrepresentation on ATF form that defendant was firearms actual purchaser violates 18 U.S.C. section 922(a)(6) when both straw and actual purchasers were legally entitled to buy weapon; other issues.
<hr/>		
12-1259	<a href="#">Briefs</a>	CIVIL: Whether district court erred in finding appellant's claims precluded pursuant to PLIVA, Inc. v. Mensing, 131 S. Ct. 2567 (2011).
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12-1261	<a href="#">Briefs</a>	ARBITRATION: Should the arbitration clause in the Agreement of Sale be enforced; other issues.
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12-1262	<a href="#">Briefs</a>	ADA: Numerous issues arising from termination of emergency room nurse from her employment.

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PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

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12-2066	<a href="#">Briefs</a>	ARBITRATION: Whether district court correctly refused to enjoin FINRA arbitration.
UBS Financial Services, Incorp v. Carilion Clinic ( Gibney )		
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12-1208	<a href="#">Briefs</a>	ARBITRATION: Whether defendant investors were "customers" within meaning of FINRA arbitration rules.
Morgan Keegan & Co., Inc. v. Louise Silverman ( Motz )		
<hr/>		
12-1184	<a href="#">Briefs</a>	BANKRUPTCY: Whether the bankruptcy court erred in confirming Chapter 13 plans that provided for avoidance of junior mortgage liens.
Timothy Branigan v. Bryan Davis ( Messitte )		
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12-1146	<a href="#">Briefs</a>	TITLE VII/EQUAL PAY ACT: Whether district court properly found jury verdict against clear weight of the evidence.
Shana Maron v. Virginia Polytechnic Institute ( Turk )		

PANEL IV  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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11-1786	<a href="#">Briefs</a>	CIVIL PROCEDURE: Whether district court properly denied leave to amend complaint and extend discovery deadlines; other issues.
John Wooton v. CL, LLC ( Flanagan )		
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12-1160	<a href="#">Briefs</a>	FALSE CLAIMS ACT: Whether summary judgment was properly granted on retaliation claim brought by whistleblower.
Dennis Glynn v. EDO Corporation ( Motz )		
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10-2072	<a href="#">Briefs</a>	TAX LAW: Challenges to evidentiary rulings and jury instructions in tax case awarding penalties under IRC section 6700; other issues.
Robert Nagy v. US ( Norton )		

PANEL V  
Gold Courtroom (Room 348)  
9:30 a.m.

Tuesday, December 04, 2012

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12-1149      [Briefs](#)  
Albert Clatterbuck v. City of Charlottesville  
( Moon )  
Associations:    12-1215

CONSTITUTIONAL LAW: Whether suit alleging that municipal ordinance restricting right to beg violated First Amendment  
Right was properly dismissed; standing and other issues.

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11-2054      [Briefs](#)  
Traxys North American LLC v. Concept Mining  
( Jones )

CONTRACT LAW:    Whether the district court erred in holding seller had breached contract, in denying counterclaim, and in  
awarding attorneys' fees; other issues.

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12-4186      [Briefs](#)  
US v. Lonnie Cartrette  
( Harwell )

FOURTH AMENDMENT: Whether vehicle impound and inventory search was reasonable.

PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

Wednesday, December 05, 2012

REVD 12/4/12

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11-2419	<a href="#">Briefs</a>	TRUTH IN LENDING ACT: Whether district court's dismissal of TILA action should be affirmed.
Elayne Wolf v. Federal National Mortgage ( Moon )		

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12-1443	<a href="#">Briefs</a>	PREEMPTION: Whether the Natural Gas Act or the Natural Gas Pipeline Safety Act preempts local zoning laws regarding location of natural gas facilities; other issues.
Washington Gas Light Co. v. Prince George's ( Chasanow )		

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12-1381	<a href="#">Briefs</a>	CIVIL/ERISA: Whether intoxicated driver's fatal crash qualifies as an "accident" under accidental death insurance policy; related issues.
Angela Johnson v. American United Life Ins ( Auld )		

PANEL II  
Green Courtroom (Room 201)  
9:30 a.m.

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11-2153	<a href="#">Briefs</a>	ERISA: Whether the district court erred in granting retroactive pension benefit payments under ERISA section 502(a)(1)(B); other issues.
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12-1172	<a href="#">Briefs</a>	FTC ACT: Petition for review of FTC cease and desist order against state board regarding exclusion of non-dentist providers from market for teeth whitening services.
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11-2192	<a href="#">Briefs</a>	CIVIL: Whether district court erred in granting summary judgment to appellees based on qualified immunity on claim of excessive force resulting in death after repeated use of Taser during seizure.
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Francine Helton v. AT&T Inc. ( Lee )		
The North Carolina St. Bd. v. FTC		
William Meyers, Sr. v. Baltimore County, MD ( Legg )		

PANEL III  
Tan Courtroom (Room 223)  
9:30 a.m.

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12-6417	<a href="#">Briefs</a>	CORAM NOBIS: Did the district court err in finding erroneous jury instruction was harmless beyond a reasonable doubt.
Bruce Bereano v. US ( Nickerson )		

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11-2229	<a href="#">Briefs</a>	CIVIL: Whether the district court erred in granting summary judgment to the defendant on plaintiff's claims under Title VII; related issues.
Sergei Volochayev v. Kathleen Sebelius ( Williams )		

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11-1995	<a href="#">Briefs</a>	CONTRACT LAW: Whether oral agreement between two parties modified third party's guaranty; damages issues.
Allfirst Bank v. Progress Rail Services Corp. ( Garbis )		
Associations: 11-2018		

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11-1662	<a href="#">Briefs</a>	CERCLA: Challenge to district court's determination as to successor liability and allocation for responsibility for environmental contamination.
Ashley II of Charleston LLC v. PCS Nitrogen ( Seymour )		
Associations: 11-2087, 11-2099, 11-2104, 11-2297		

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PANEL IV  
Tweed Courtroom (Room 414-D)  
9:30 a.m.

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09-0011	<a href="#">Briefs</a>	CRIMINAL: Multiple issues on direct appeal from federal capital conviction and sentence.
US v. David Runyon ( Smith )		
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11-1893	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the Agency's ruling that Tallam failed to establish a well-founded fear of future persecution.
Linah Tallam v. Eric Holder, Jr.		
<hr/>		
12-1329	<a href="#">Briefs</a>	INSURANCE LAW: Was insurance company entitled to rescission of temporary insurance contract; whether district court abused its discretion in awarding attorney's fees and costs.
Banner Life Insurance Co. v. Jacqueline Noel ( Spencer )		
Associations: 12-1498		
		PANEL V Gold Courtroom (Room 348) 9:30 a.m.

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11-1111 [Briefs](#)  
Greater Baltimore Center v. Mayor and City  
( Garbis )

REHEARING EN BANC

Associations: 11-1185

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11-1314 [Briefs](#)  
Centro Tepeyac v. Montgomery County  
( Chasanow )

REHEARING EN BANC

Associations: 11-1336

PANEL II  
Green Courtroom (Room 201)  
9:00 a.m.

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11-4701 [Briefs](#)  
US v. Michael Hickson  
( Titus )

Associations: 11-4708, 11-4711

CRIMINAL LAW: Numerous challenges to convictions by co-defendants in consolidated appeal.

11-4054 [Briefs](#)  
US v. Michael Bernard  
( Fox )

CRIMINAL LAW: Whether district court erred in finding defendant competent to represent himself at trial.

11-4529 [Briefs](#)  
US v. Yvonne Robertson  
( Jackson )

CRIMINAL: Whether sufficient evidence supported convictions of engaging in monetary transactions in property derived from specified unlawful activity and making false statements to a United States agent.

PANEL V  
Gold Courtroom (Room 348)  
1:30 p.m.

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REVD 11/21/12

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11-5084	<a href="#">Briefs</a>	CRIMINAL LAW: Whether the district court properly assessed when the defendant was seized; whether reasonable suspicion justified the defendant's seizure and denial of his motion to suppress.
US v. Nathaniel Black ( Cogburn )		
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11-5162	<a href="#">Briefs</a>	CRIMINAL LAW: Whether there was an unconstitutional constructive amendment of the indictment; sentencing issues.
US v. Christian Allmendinger ( Payne )		
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10-5273	<a href="#">Briefs</a>	SENTENCING: Authority to reconsider restitution on remand; amount of restitution; updated presentence report.
US v. Giuseppe Pileggi ( Conrad )		
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11-5095	<a href="#">Briefs</a>	CRIMINAL LAW: Whether a Brady violation occurred; whether admission of evidence violated Fed. R. Evid. 404(b); whether district court correctly denied motion for a new trial; other issues.
US v. Tyrone Moore ( Motz )		

PANEL I  
Red Courtroom (Room 412)  
8:30 a.m.

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11-4858 [Briefs](#)  
US v. Antwan Jackson  
( Moon )

SIXTH AMENDMENT: Whether defendant's rights under Confrontation Clause violated by admitting murder victim's statement under "forfeiture by wrongdoing exception."

12-4055 [Briefs](#)  
US v. Under Seal  
( Norton )

SORNA: Whether application of the SORNA registration requirements to a juvenile violates the Juvenile Delinquency Act.

11-4653 [Briefs](#)  
US v. Sergio Rene Ramirez-Morazan  
( Howard )

CRIMINAL: Whether sentencing court committed procedural error when it stated it did not have the authority to impose fast-track sentence for illegal reentry conviction.

PANEL II  
Green Courtroom (Room 201)  
8:30 a.m.

Friday, December 07, 2012

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11-4951	<a href="#">Briefs</a>	CRIMINAL LAW: Propriety of sentence imposed for violation of 14 U.S.C. section 88(c) (2006) and related charge; other issues.
US v. Larry Deffenbaugh ( Morgan )		
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12-4136	<a href="#">Briefs</a>	CRIMINAL: Sufficiency of the evidence; whether district court properly instructed jury on element of mens rea; other issues.
US v. James Goff ( Turk )		
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12-1030	<a href="#">Briefs</a>	FEDERAL PROCEDURE: Challenges to evidentiary rulings and to punitive damages award against pharmaceutical company.
Herbert Fussman v. Novartis Pharm. Corp.		

PANEL III  
Tan Courtroom (Room 223)  
8:30 a.m.

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11-4654	<a href="#">Briefs</a>	CRIMINAL: Whether issues asserted on appeal are within scope of appeal waiver in plea agreement; whether district court abused its discretion in denial of continuance of sentencing; ineffective assistance of counsel.
US v. Larry Copeland ( Dever )		
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12-1062	<a href="#">Briefs</a>	CONTRACT LAW: Whether district court erred in entering summary judgment on alleged breach of contract claim or in denying motion for spoliation sanctions.
Adeptech Systems, Inc. v. Federal Home Loan ( Brinkema )		
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11-5119	<a href="#">Briefs</a>	CRIMINAL: Whether district court erred in empanelling anonymous jury, restricting appellant's ability to take notes during voir dire, and conducting sentencing in the absence of one of appellant's two appointed counsel.
US v. Antonio Hall ( Bennett )		
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11-5127	<a href="#">Briefs</a>	CRIMINAL: Whether the prohibition against possession of ammunition by felons in 18 U.S.C. section 922(g)(1) (2006) violates the Second and Fifth Amendments as applied to defendants whose prior felonies were non-violent.
US v. Gregory Pruess ( Voorhees )		

PANEL IV  
Tweed Courtroom (Room 414-D)  
8:30 a.m.

Friday, December 07, 2012